



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes JUDICIAL/LEGISLATIVE COMMITTEE

*Philip M. Goldstein, Chairman*  
*G A. (Andy) Morris, Vice Chair*  
*Stuart Fleming*

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Wednesday, August 31, 2016

Council Chamber

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### Immediately following Parks, Recreation and Tourism Committee

**Presiding:** Philip M. Goldstein  
**Present:** Andy Morris and Stuart Fleming

***Also Present:***

*R. Steve Tumlin, Mayor*  
*Grif Chalfant, Council - Ward 2*  
*Johnny Walker, Council – Ward 3*  
*Ruben Sands, Council Ward 5*  
*Michelle Cooper Kelly, Council – Ward 6*  
*William F. Bruton, Jr., City Manager*  
*Douglas R. Haynie, City Attorney*  
*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Chairman Philip M. Goldstein called the meeting to order at 6:09 p.m.*

### MINUTES:

**20160854      Regular Meeting - July 27, 2016**

Review and approval of the July 27, 2016 regular meeting minutes.

**A motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Approved**

### BUSINESS:

**20160641      Request to Advertise Public Hearing - Design Guidelines for Forest Hills Historic District**

Request by the Marietta Historic Preservation Commission for City Council to authorize staff to advertise for a public hearing on the design guidelines for the proposed Forest Hills Historic District by City Council.

*A Motion was made to move forward with Option 1, with the addition of 181 Hunt and 191 Forest.*

**The motion was made by Council member Fleming, seconded by Council member Morris, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Recommended for Approval – Consent Agenda**

**20160863**

**Final Plat - Fort Hill (Quad at Meeting Park)**

Discussion regarding the approval of the final plat for Fort Hill (the Quad at Meeting Park), located at Cole Street, Lemon Street, and Fort Street and zoned PRD-MF (Z2015-18)

*If all comments can be completed, this item can remain on the consent agenda.*

**The motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Recommended for Approval – Consent Agenda**

**20160864**

**Wynhaven (Promenade at the Square) - Revised Detailed Plan**

Request by Lennar Georgia, Inc. for approval of the revised detailed plan for 560 Powder Springs Street.

*Council member Goldstein disclosed that he and/or entities that he owns or is affiliated with have been represented by Kevin Moore.*

**The motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 2 – 1 – 0                      Recommended for Council Agenda Non Consent**  
Voting Against: Philip M. Goldstein

**20160879**

**Agreement between Georgia Department of Revenue and the City of Marietta**

Agreement between Georgia Department of Revenue and the City of Marietta for the use of certain motor vehicle records.

**The motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:**

**Vote: 3 – 0 – 0                      Recommended for Approval – Consent Agenda**

*The meeting was recessed at 7 pm, and reconvened at 8:24 pm.*

**20160762****HB691- Municipal Court Judges**

Consideration of a Motion to incorporate HB691, Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts generally, so as to provide the removal of appointed municipal court judges under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

Motion to approve the advertising and the holding of two public hearings in order to amend the Charter of the City of Marietta to amend Section 4.11 (Municipal Court) and Section 6.2 (Chief Judge of the Municipal Court) and to authorize the City Attorney to carry out all matters in order to amend the Charter and to incorporate H.B. 691 into the Charter for the City of Marietta.

**Held in Committee****20160889****Municipal Court Judges**

Motion to amend City Charter and applicable ordinance as follows:

That Marietta Municipal Court Chief Judge shall be elected for a four year term commencing with November 2017 City wide election for the upcoming term running concurrently with that of City Council beginning January, 2018. For the initial election, the then sitting Chief Judge shall be noted on the ballot as an incumbent. There shall be a term limit of three terms unless otherwise waived by council by a 2/3rd vote of then sitting council of said third term. Qualifying fee shall be determined consistent with City Council elections.

Ordinance relating to Municipal Court Judge shall be drafted subject to Judicial qualifications in accordance with 36-32-1.1 and subject to removal of 36-32-2.1. For both Chief Judge and Associate Judge. Should a Chief Judge be unable to complete his term for whatever reason, then the Mayor shall appoint the Chief Judge successor within 15 days of a vacancy for the remainder of same term. Expressly No short term election will be held to fill an unexpired term.

Mayor shall appoint each of the associate judges, the number of which as set by Council each term of council for a term of two years each, but never beyond term of council.

There shall be established an Environmental Court under the administrative supervision of the Chief Judge. The Mayor shall appoint said Environmental Court Judge who shall be selected from among the appointed Associate Judges for a term of two years, but not to exceed term of Council. Any appeals of an Environmental Court decision shall be before Chief Judge. City Prosecutor or its designated associate prosecutor shall be the prosecutor of the environmental court.

This enabling action shall be drafted in form by City Attorney as Charter Amendment and applicable ordinance upon adoption of provisions by council and then acted upon once prepared.

Requested by the Mayor Tumlin

#### **Held in Committee**

**20160892**

#### **Transfers of Development (TDR)**

Motion to direct city staff to review and provide recommendations (as appropriate) for city zoning ordinance of Transfers of Development Rights (TDR) to provide incentives to the development community to convert Class B/C apartment dwellings into sustainable Class A, multifamily dwellings within key 'people centers'.

##### **Apartments**

- Initial TDR credit guidelines and applicable procedures / processes
- Recommendations for TDR credit zones (receiving) to be applied
- Current Apartment Landscape within city limits (Total apartments, Apartments within given distance of College/University, Apartments within 'growth corridors' (Roswell St., Powder Springs, Kennestone, Others)
- Underlying zoning regulations that would remain after a TDR-Sending site exhausted its TDR

##### **Conservation / Air Rights**

- Identify leading practices re: maintaining Marietta's tree canopy
- Guidelines for Air rights conservation / transfers within key 'growth corridors' (Roswell St., Powder Springs, Kennestone, Others)

Requested by Councilmember Stuart Fleming

#### **No Action Taken**

### **ADJOURNMENT:**

*The meeting was adjourned at 9:21 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_

